

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

SHANNON CARTER,

Petitioner,

v.

RENEE BAKER, et al.,

Respondents.

Case No. 3:15-cv-00431-MMD-VPC

ORDER

On May 6, 2016, the Court dismissed petitioner Shannon Carter's *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 as time-barred. (ECF No. 18.) This is a final order adverse to the petitioner. As such, Rule 11 of the Rules Governing Section 2254 Cases requires this Court to issue or deny a certificate of appealability (COA).

Pursuant to 28 U.S.C. § 2253(c)(2), a COA may issue only when the petitioner "has made a substantial showing of the denial of a constitutional right." With respect to claims rejected on the merits, a petitioner "must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). For procedural rulings, a COA will issue only if reasonable jurists could debate (1) whether the petition states a valid claim of the denial of a constitutional right and (2) whether the court's procedural ruling was correct. *Id.*

Having reviewed its determination that Carter's petition is time-barred, the Court finds that reasonable jurists would not find this conclusion to be debatable or wrong. The Court therefore declines to issue a certificate of appealability in this case.

1 It is therefore ordered that the petitioner's motion for a certificate of appealability  
2 (ECF No. 20) is denied.

3 It is further ordered that petitioner's motion for temporary restraining order or  
4 preliminary injunction (docketed as two motions at ECF Nos. 21 and 22) is denied.

5 DATED THIS 30<sup>th</sup> day of June 2016.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE